

JOHN WHARRY.

[To accompany bill H. R. No. 491.]

JUNE 10, 1842.

Mr. SAUNDERS, from the Committee on the Judiciary, submitted the following

REPORT:

The Committee on the Judiciary, to which was referred the petition of John Wharry, report:

That the petitioner was postmaster at the town of Greenville, Ohio, prior to the 9th June, 1836, when he was superseded, and a balance found against him of \$263 72, for the recovery of which suit was commenced against him and his sureties in the district court of Ohio. It further appears this balance, on a settlement at the Post Office Department, was reduced to the sum of \$165 85; that, in the spring of 1837, the petitioner was engaged in surveying the public lands in the Territory of Wisconsin, and for which service the Government became his debtor to the amount of \$1,805 51; that, on the 22d June, 1838, the Secretary of the Treasury directed the surveyor general to pay petitioner whatever balance might remain due after retaining the amount due by him to the Post Office Department; that, notwithstanding this order, a judgment was had against petitioner in July, 1838, for the sum of \$264 36, being the amount actually due, together with the penalty of \$98 51. The committee are of opinion, under this state of facts, the petitioner is not only entitled to be released from the judgment which he has paid, but to have refunded the amount included therein as a penalty, with the interest thereon from the time of its being retained; and report a bill accordingly.

